

HOUSE BILL 2762
By Strader

AN ACT to amend Tennessee Code Annotated, Title 30;
Title 34 and Title 68, Chapter 11, relative to care
of disabled persons.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-1806(e), is amended by deleting the current language in its entirety and by substituting instead the following:

(e) A surrogate who has not been designated by the patient may make all health care decisions for the patient that the patient could make on the patient's own behalf, except that artificial nutrition and hydration may be withheld or withdrawn from a patient upon a decision of the surrogate only when both of the following criteria are met:

- (1) The designated physician and a second independent physician certify in the patient's current clinical records that the provision or continuation of artificial nutrition or hydration is merely prolonging the act of dying and that the patient is highly unlikely to regain the capacity to make medical decisions; and
- (2) There is no identified relative of the patient, whether a relative by blood or marriage, who is willing to assume conservatorship of the patient pursuant to title 34, chapter 3.

SECTION 2. Tennessee Code Annotated, Section 34-3-103, is amended by designating the current language as subsection (a) and by inserting the following as a new subsection (b) thereto:

(b) Notwithstanding the provisions of subsection (a), if a person is a patient about whom the patient's physician and a second independent physician have both indicated in the patient's medical records that the provision or continuation of artificial

nutrition or hydration is merely prolonging the act of dying and that the patient is highly unlikely to regain the capacity to make medical decisions, then priority shall be given to the closest relative, by blood or marriage, of the patient who is willing to assume conservatorship of the patient and who has indicated an intention to continue such artificial nutrition or hydration; provided, that no such person may have any monetary or financial gain by accepting the conservatorship or by prolonging the life of the patient.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.